In the High Court of Judicature at Madras

Dated: 08.12.2006

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice S.TAMILVANAN

Writ Petition No.24353 of 2006
and WPMP.No.1 of 2006

M/s.Eveready Industries India Ltd.,
rep.by Khivaraj Tech Park (P) Ltd.,
through its Authorised Representative
V.Kalyanaraman,
Plot No.1, Industrial Estate,
Guindy, Chennai-600 032. ..Petitioner

..vs..

1. The Chennai Metropolitan Development Authority,
   rep.by its Member-Secretary
   No.1, Gandhi Irwin Road,
   Chennai-600 008.

2. The Chairman-cum-Managing Director,
   Chennai Metropolitan Water and
   Sewerage Board,
   Pumping Station Road,
   Chennai-600 002. ..Respondents

Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration for the reasons mentioned therein.

For Petitioner : Mr.R.Mohan
For Respondents : Mr.J.Ravindran

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ORDER

(Order of the Court was made by P.SATHASIVAM,J.,)

The petitioner company has approached this Court to declare that the amendment Section 6 (2)(xii-a) 81(2)(jj) of Chennai Metropolitan Water Supply and Sewerage Board Act are ultra vires, unconstitutional, arbitrary and colourable exercise of power and consequently forbearing the second respondent from insisting the payment of infrastructure and improvement

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charges through the 1st respondent for issuing planning permission, which are not permissible in law.

2. Heard the learned counsel for the petitioner as well as the respondents.

3. Learned counsel for the petitioner states that pursuant to the interim order of this Court dated 01.08.2006 in M.P.No.1 of 2006 in the writ petition, the petitioner company has furnished bank guarantee towards the demand.

4. In view of the same, we are of the view that there is no need to go into the relief claimed in the writ petition. It is further made clear that if there is any violation / deviation, the 2nd respondent is free to take appropriate action including forfeiting the bank guarantee. It is needless to mention that before any action being taken, the petitioner is to be heard and opportunity should be afforded to them.

With the above observation, the writ petition is closed. No costs. Consequently, connected WPMP.is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Member Secretary,
   Chennai Metropolitan Development Authority,
   No.1, Gandhi Irwin Road,
   Egmore, Chennai-600 008.

2. The Chairman-cum-Managing Director,
   Chennai Metropolitan Water and
   Sewerage Board, Pumping Station Road,
   Chennai-600 002.

1 cc To Mr.J.Ravindran, Advocate, SR.61076.
1 cc To The Government Pleader, SR.60976.

Writ Petition No. 24353 of 2006

MR(CO)
RVL 19.12.2006

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